

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal Action No.
v.)	04-00181-01-CR-W-NKL
)	
THOMAS E. WATSON-EL,)	
)	
Defendant.)	
)	

ORDER

On May 6, 2009, United States Magistrate Judge Robert E. Larsen issued a Report and Recommendation [Doc. # 204] recommending that this Court enter an order correcting its January 31, 2005 restitution order [Doc. # 130] to modify Defendant's garnishment to \$17,035.40.

Defendant Thomas E. Watson-El was found guilty on July 21, 2004, of conspiracy to manufacture and pass counterfeit checks in violation of 18 U.S.C. § 513.371. At his sentencing on January 15, 2005, counsel for the government and counsel for Defendant stipulated that the amount of loss was \$34,376.45. Defendant's counsel represented to the Court that the amount was based on actual loss amounts, however, Defendant voiced concern that the amount improperly combined actual losses and intended losses. The Court provided Defendant an opportunity to support his position, but he provided no proof of any loss amounts other than those contained in the presentence investigation report, so judgment was entered ordering garnishment in the amount of \$34,376.45. After an unsuccessful appeal to the Eighth Circuit,

Defendant filed a *pro se* motion for modification of garnishment in which he asserted that \$17,341.15 of the restitution ordered represented intended (but not actual) losses for counterfeit checks which were not accepted by merchants [Doc. # 191]. He requested a modification of his garnishment to \$17,035.40, and on March 25, 2009, the government filed a stipulation agreeing to “modification of the garnishment to the actual loss suffered by the victim entities totaling \$17,035.40” [Doc. # 203]. Magistrate Judge Larsen agreed that the restitution order “improperly combined actual with intended losses,” and recommended that this Court modify the garnishment to reflect only actual losses.

Pursuant to the Report and Recommendation of United States Magistrate Judge Larsen, to which there has been no timely objection, and after a *de novo* review of the record, the Court finds that Defendant Thomas E. Watson-El’s garnishment should be modified to \$17,035.40, as requested by Defendant and stipulated to by the government.

IT IS SO ORDERED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: June 22, 2009
Kansas City, Missouri